

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 BANK OF AMERICA, N.A.,

5 Plaintiff,

6 v.

7 AUBURN AND BRADFORD AT
8 PROVIDENCE HOMEOWNERS
ASSOCIATION, *et al.*,

9 Defendants.
10

Case No. 2:16-cv-00393-APG-NJK

**ORDER DENYING DEMAND FOR
SECURITY COSTS AND GRANTING
MOTION TO STRIKE**

(ECF Nos. 44, 49)

11 Plaintiff/counterdefendant Bank of America, N.A. requests the court require
12 defendant/counterclaimant SFR Investments Pool 1, LLC to post a cost bond pursuant to Nevada
13 Revised Statutes § 18.130(1). SFR moves to strike this request, arguing that § 18.130(1) does not
14 apply because SFR is not a plaintiff and SFR is a Nevada limited liability company that resides in
15 Nevada.

16 Under § 18.130(1), “[w]hen a plaintiff in an action resides out of the State, or is a foreign
17 corporation, security for the costs and charges which may be awarded against such plaintiff may
18 be required by the defendant, by the filing and service on plaintiff of a written demand therefor
19 within the time limited for answering the complaint.” The statute thus applies to out-of-state
20 plaintiffs, of which SFR is neither. SFR is a defendant in this case. And, SFR is a Nevada
21 limited liability company that resides in Nevada. *See* ECF Nos. 1 at 2 and 27 at 2 (alleging and
22 admitting that SFR is a Nevada limited liability company); 49-1 (deposition testimony that SFR
23 operates only in Nevada).¹ The fact that SFR’s members may be citizens of other states for
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26 ¹ *See also* the Nevada Secretary of State website identifying SFR as a Nevada limited liability
27 company with registered agent and officer addresses in Nevada.
28 <https://nvsos.gov/SOSEntitySearch/CorpDetails.aspx?lx8nvq=enkrPI2ZQISNORkAAyF%252fAw%253d%253d&nt7=0> (last accessed on August 3, 2016).

1 purposes of determining diversity jurisdiction under federal law does not change SFR's residency
2 or status as a Nevada limited liability company for purposes of the Nevada statute.

3 IT IS THEREFORE ORDERED that Plaintiff/counterdefendant Bank of America, N.A.'s
4 demand for security costs (**ECF No. 44**) is **DENIED**.

5 IT IS FURTHER ORDERED that defendant/counterclaimant SFR Investments Pool 1,
6 LLC's motion to strike (**ECF No. 49**) is **GRANTED**.

7 DATED this 3rd day of August, 2016.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE